

**AREA PLAN COMMISSION OF TIPPECANOE COUNTY
EXECUTIVE COMMITTEE
MINUTES OF PUBLIC HEARING**

DATE..... August 6, 2003
TIME..... 4:45 P.M.
PLACE CO. OFFICE BLDG.
20 N. 3RD STREET
LAFAYETTE IN 47901

MEMBERS PRESENT

Karl Rutherford
Jan Mills
David Williams
Jeff Kessler
Jack Rhoda
Mark Hermodson

MEMBERS ABSENT

James Miller

STAFF PRESENT

James Hawley
Sallie Fahey
Kathy Lind
Jay Seeger, Attorney
Michelle D'Andrea

Jack Rhoda called the meeting to order.

I. APPROVAL OF MINUTES

Jeff Kessler moved to approve the minutes of the July 2, 2003, Executive Committee public hearing as submitted. Mark Hermodson seconded and the motion carried by voice vote.

II. NEW BUSINESS

A. PRIMARY APPROVAL EXTENSION

INDIAN MOUND ESTATES (MINOR-SKETCH PLAN): The developer is requesting a second 2-year extension of the conditional primary approval (S-2417), originally granted September 18, 1996. Unless approved the first extension will expire on September 18, 2003. This one lot proposal is located on the southeast side of Pretty Prairie Road, near the Tyler Road intersection, Tippecanoe 1 (Burnetts Reserve) 24-3.

James Hawley presented slides of the zoning map, and sketch plan.

Jeff Kessler asked if there was any reason staff could provide to not extend it.

Sallie Fahey stated that the staff did not have any concerns on extending it.

James Hawley pointed out that there are two open parcelizations.

Sallie Fahey explained that the effect of extending this would be that the parcelizations would remain open.

The Committee voted by ballot 6 yes to 0 no to extend conditional primary approval of **INDIAN MOUND ESTATES (MINOR-SKETCH PLAN)**.

B. FINAL DETAILED PLANS

RESOLUTION PD 03-06: THE VILLAS AT STONES CROSSING PLANNED DEVELOPMENT:

Final detailed plans (construction plans only) for 119 two and three bedroom condominium units in 17 buildings, plus common area on 12.99 acres, in Wea 10(SW) 22-4.

James Hawley presented slides of the zoning map and site plan.

Sallie Fahey recapped the report and recommendation of approval.

The Commission voted by ballot 6 yes – 0 no to recommend approval of **RESOLUTION PD 03-06 THE VILLAS AT STONES CROSSING PLANNED DEVELOPMENT**.

III. PUBLIC HEARING

Jeff Kessler moved that the Comprehensive Plan for Tippecanoe County, the Unified Zoning Ordinance of Tippecanoe County, and the Unified Subdivision Ordinance for Tippecanoe County, Indiana are hereby entered by reference into the record of each agenda item. Mark Hermodson seconded and the motion carried by voice vote.

Jeff Kessler moved to continue **S-3290—RED HAWK RIDGE SUBDIVISION (MINOR-SKETCH))** to the September 2, 2003 Executive Committee meeting. Jan Mills seconded and the motion carried by voice vote.

A. SUBDIVISIONS

1. RE-0015—RUTAN RIDGE SUBDIVISION (RURAL ESTATE PRELIMINARY):

Petitioner is seeking primary approval for a 12-lot rural estate subdivision on 34.49 acres, located on the west side of East County Line Road, north of CR 700 S, in Sheffield 25 (SE) 22-3. CONTINUED FROM THE JULY MEETING.

Jeff Kessler moved to hear and vote on the above-described request. Mark Hermodson seconded the motion.

James Hawley presented slides of the location map, aerial photo and preliminary plat.

Sallie Fahey stated that the petitioner has requested permission to bond. She read the addendum and recapped the following conditions:

CONSTRUCTION PLANS – The following items shall be part of the Construction Plans application and approval:

1. An Erosion and Sediment Control Plan meeting the requirements of 327 I.A.C. 15-5 shall be approved by the Tippecanoe County Soil and Water Conservation District and meeting the requirements of the County Drainage Board as required by Tippecanoe County Ordinance #93-18-CM.
2. The County Drainage Board shall approve the drainage plans.
3. An on-site utility coordinating sheet shall be approved and signed-off by the non-government utility companies. If any of these utilities are being extended from an off-site location, this extension shall be made a part of the utility coordinating sheet

FINAL PLAT – The following items shall be part of the Secondary Application and Final Plat approval:

4. If there is a mortgage on this property, a recorded partial release or written acknowledgment from the mortgage company must be obtained in order to dedicate the necessary right-of-way.
5. All existing easements and covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
6. All required building setbacks shall be platted.
7. The street addresses and County Auditor's Key Number shall be shown.
8. When the final grading is complete, the Regulatory Flood Elevation and Boundary for the floodplain of the unnamed tributary to the South Fork of Wildcat Creek shall be shown. It shall also be described and certified as specified in Unified Zoning Ordinance, Section 2-26-17.
9. An off-site utility and drainage easement across Tract A connecting the proposed easement in the subdivision with existing utilities in East County Line Road shall be shown.

SUBDIVISION COVENANTS AND OTHER DOCUMENTS – The following items shall be part of the subdivision covenants:

10. A covenant detailing the purpose of each outlot and stating that Outlots A and B shall be owned by the homeowner's association.
11. All documents necessary to create the homeowners association.
12. The executed deed(s) transferring Outlots A and B to the homeowner's association.

Jack Rhoda asked if a motion was needed to amend, as per the addendum.

Jay Seeger stated that a motion was not necessary.

Paul Coutts, C&S Engineering, 1719 Monon Avenue, Lafayette, IN, concurred with the staff report and conditions. He asked for approval and permission to bond.

Jeff Kessler stated that this was a great site for an RE.

The Committee voted by ballot 6 yes to 0 no to permit bonding.

The Committee voted by ballot 6 yes to 0 no for conditional primary approval of **RE-0015—RUTAN RIDGE SUBDIVISION (RURAL ESTATE PRELIMINARY).**

2. RE-0016—BOOTHE FARMS SUBDIVISION (RURAL ESTATE PRELIMINARY):

Petitioner is seeking primary approval for a 5-lot rural estate subdivision on 11.476 acres, located on the north side of CR 700 N, at CR 800 E, in Washington 15 (SW) 24-3.

CONTINUED FROM THE JULY MEETING.

Jeff Kessler moved to hear and vote on the above-described request. Mark Hermodson seconded the motion.

James Hawley presented slides of the location map, aerial photo and preliminary plat.

Sallie Fahey stated that the petitioner has not yet requested permission to bond. She read the addendum and recapped the following conditions:

Variances

1. A variance to waive the requirement of the rural estate road ending in a turn-around or cul-de-sac.

Conditions

CONSTRUCTION PLANS – The following items shall be part of the Construction Plans application and approval:

1. An Erosion and Sediment Control Plan meeting the requirements of 327 I.A.C. 15-5 shall be approved by the Tippecanoe County Soil and Water Conservation District and meeting the requirements of the County Drainage Board as required by Tippecanoe County Ordinance #93-18-CM.
2. The County Drainage Board shall approve the drainage plans.
3. An on-site utility coordinating sheet shall be approved and signed-off by the non-government utility companies. If any of these utilities are being extended from an off-site location, this extension shall be made a part of the utility coordinating sheet.

FINAL PLAT – The following items shall be part of the Secondary Application and Final Plat approval:

4. All existing easements and covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
5. All required building setbacks shall be platted.
6. Street addresses and County Auditor's Key Number shall be shown.
7. Per a letter from the Tippecanoe County Health Department dated July 29, 2003, drainage easements adequate to support required perimeter drains for septic systems from each lot to a positive outlet must be shown.
8. If the reconstruction of the current drive to a rural estate road within the outlot does not provide sufficient room for the existing utilities, additional utility and drainage easements must be platted on Lots 1-5 and the 16.335-acre tract.

SUBDIVISION COVENANTS AND OTHER DOCUMENTS – The following items shall be part of the subdivision covenants:

9. A covenant stating that Outlot A shall be owned by the homeowner's association.
10. All documents necessary to create the homeowner's association.
11. The executed deed(s) transferring Outlot A to the homeowner's association.

Bob Gross, 420 Columbia Street, Ste 100, Lafayette, IN, agreed with the staff report and conditions. He requested permission to bond for all public improvements.

The Committee voted by ballot 6 yes to 0 no to approve the request for variance.

The Committee voted by ballot 6 yes to 0 no to permit bonding.

The Committee voted by ballot 6 yes to 0 no for conditional primary approval of **RE-0016—BOOTHE FARMS SUBDIVISION (RURAL ESTATE PRELIMINARY).**

3. **S-3371—ORCHARD SUBDIVISION, SECTION 1, PHASE 3 – REPLAT OF LOTS 55 AND 85 (MINOR SKETCH):** Petitioner is seeking primary approval to replat 2 lots in the subject subdivision in order to reduce part of the restricted access along Priscilla Drive at SR 26, located in Wabash 14 (SW) 23-5.

Jeff Kessler moved to hear and vote on the above-described request. Mark Hermodson seconded the motion.

James Hawley presented slides of the location map, aerial photo and preliminary plat.

Sallie Fahey read the addendum and recapped the following conditions:

FINAL PLAT – The following items shall be part of the Secondary Application and Final Plat approval:

1. The "No Vehicular Access" shall be platted along the Priscilla Drive and SR 26 right-of-way lines, as shown on the sketch plan and approved by the County Highway Executive Director.
2. All required setbacks shall be shown, including the 60-ft. setback along the SR 26 right-of-way. If a variance is granted for a lesser setback by the Area Board of Zoning Appeals, that setback shall be shown with the case number and dated approved.
3. All, easements, FP boundary and street addresses shall be shown as originally platted
4. The County Auditor's Key Number shall be shown.

SUBDIVISION COVENANTS – The following items shall be part of the subdivision covenants:

5. The "No Vehicular Access" restriction shall be made enforceable by the Area Plan Commission and irrevocable by the lot owners.

Daniel Teder, PO Box 280, Lafayette, IN, concurred with the staff report and conditions. He informed the Committee that the petitioner would be filing a variance with the Area Board of Zoning Appeals.

The Committee voted by ballot 6 yes to 0 no for conditional primary approval of **S-3371—ORCHARD SUBDIVISION, SECTION 1, PHASE 3 – REPLAT OF LOTS 55 AND 85 (MINOR SKETCH).**

4. **S-3372—ROCKING "J" MINOR SUBDIVISION (MINOR-SKETCH):** Petitioners are seeking primary approval for a 2-lot subdivision on 6.13 acres, located on the west side of CR 300 E, just north of SR 225, in Tippecanoe 15 (SE) 24-4.

Jeff Kessler moved to hear and vote on the above-described request. Mark Hermodson seconded the motion.

James Hawley presented slides of the location map, aerial photo and preliminary plat.

Sallie Fahey read the addendum and recapped the following conditions:

FINAL PLAT – The following items shall be part of the Secondary Application and Final Plat approval:

1. If there is a mortgage on this property, a recorded partial release or written acknowledgment from the mortgage company must be obtained in order to dedicate the necessary right-of-way.
2. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
3. All required building setbacks shall be platted.
4. The street addresses and County Auditor's Key Number shall be shown.
5. Utility easements must be platted as necessary, but specifically for the electric service crossing the subdivision generally north-south at a location and size meeting Tipmont's satisfaction in order to continue serving the property to the north.

Sallie Fahey asked if another condition needed to be added so that Exemption E could add the tail to the property, prior to the final plat being prepared.

Mark Hermodson moved to add the following condition:

6. The twenty-foot wide area from the parent tract to the south will need to be deeded to the six-acre tract to the north prior to recordation of the final plat using exemption "E" in the definition of subdivision in the USO.

Jeff Kessler seconded and the motion carried by voice vote.

Dave Ayala, TBird Design, 4720 South 100 West, Lafayette, IN, agreed with all the conditions up to #6. He asked if an Exemption E transfer would be necessary if the other owner signed off on the plat.

Sallie Fahey explained that then there would be 2 owners with divided interest in the lot.

Dave Ayala stated that he did not see the necessity in this being a condition. He agreed with all other conditions.

Sallie Fahey stated that by ownership it would create a defacto lot.

Jay Seeger explained that because someone else owns it, when it becomes a part of this subdivision, it would have to be attached to the other lot.

Karl Rutherford asked if Dave Ayala if he agreed with condition #6. He explained that when the Committee votes, # 6 will be included in that vote and there should not be any point of protest. He stated that the petitioner had the option of asking for a continuance.

Dave Ayala stated that they he agreed.

The Committee voted by ballot 6 yes to 0 no for conditional primary approval of **S-3372—ROCKING “J” MINOR SUBDIVISION (MINOR-SKETCH).**

Jeff Kessler left the meeting.

IV. APPROVAL OF THE AUGUST 20, 2003 APC PUBLIC HEARING AGENDA NEW BUSINESS

Mark Hermodson moved that **RESOLUTION T-03-04** and **RESOLUTION T-03-05** be placed on the August 20, 2003 Area Plan Commission Public Hearing Agenda. Jan Mills seconded and the motion carried by voice vote.

PUBLIC HEARING

A. ORDINANCE AMENDMENTS

Mark Hermodson moved that **UZO AMENDMENT #40** be placed on the August 20, 2003 Area Plan Commission Public Hearing Agenda. Jan Mills seconded and the motion was carried by voice vote.

B. REZONING ACTIVITIES

Mark Hermodson moved that the following rezone petitions be placed on the August 20, 2003 Area Plan Commission Public Hearing Agenda:

Z-2124-MICHAEL A. DILLING (R2 TO NBU)

Z-2135-AARON TYRRELL AND BETHANY TYRRELL (R1 TO NB)

Z-2136-DANNY E. AND HENRIETTA Y. PATTENGAL (GB TO R1)

Z-2140- TBIRD DESIGN SERVICES CORP, BY DAVID N. AYALA (RIU TO GB)

Z-2141- TBIRD DESIGN SERVICES CORP, BY DAVID N. AYALA (GB TO R1U)

Jan Mills seconded and the motion carried by voice vote.

Sallie Fahey stated that Mann Properties asked not to be put on the agenda, so that they would not have to re-advertise.

C. SUBDIVISIONS

Mark Hermodson moved that the following subdivision petitions be placed on the August 20, 2003 Area Plan Commission Public Hearing Agenda at petitioner's request, placement thereon being without reference to compliance or non-compliance with the adopted subdivision ordinance:

S-3336—SHANGRILA SUBDIVISION (MAJOR-PRELIMINARY PLAT)

S-3375—HICKORY RIDGE SUBDIVISION (MAJOR-PRELIMINARY)

Jan Mills seconded and the motion carried by voice vote.

V. REVIEW AND APPROVAL OF THE AUGUST ABZA PUBLIC HEARING AGENDA

Mark Hermodson moved to place the following petitions on the August 27, 2003 Area Board of Zoning Appeals Public Agenda:

BZA-1643-BROTHERS OF WEST LAFAYETTE, INC.

Jan Mills seconded and the motion carried by voice vote.

Mark Hermodson moved that for the following petitions the sign ordinance be strictly adhered to:

BZA-1643-BROTHERS OF WEST LAFAYETTE, INC

Jan Mills seconded and the motion carried by voice vote.

VI. DETERMINATION OF VARIANCES

A. Lafayette Division of the Area Board of Zoning Appeals

Mark Hermodson moved that the following requests for variance from the Unified Zoning Ordinance are not requests for use variance, prohibited from consideration by ordinance and statute:

CASE #2003-31—ROBERT & VIRGINIA MANGUS

CASE #2003-32—NEWTONE HEALTH AND FITNESS, INC.

CASE #2003-33—DONALD AND MARY MATTHYS

Jan Mills seconded and the motion carried by voice vote.

Mark Hermodson moved that with regard to the following petition, the sign ordinance be strictly adhered to:

CASE #2003-32—NEWTONE HEALTH AND FITNESS, INC. Jan Mills seconded and the motion carried by voice vote.

VII. REVIEW AND APPROVAL OF THE JUNE BUDGET REPORT

Mark Hermodson moved to accept the July 2003 Budget Report as submitted.

James Hawley explained how the funds requested from the County Council would be distributed and reassigned.

Jan Mills seconded and the motion passed by voice vote.

VIII. OTHER BUSINESS

IX. ADJOURNMENT

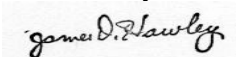
Mark Hermodson moved to adjourn the meeting. Jan Mills seconded and the motion carried by voice vote.
The meeting adjourned at 5:10 P.M.

Respectfully submitted,



Michelle D'Andrea
Recording Secretary

Reviewed by,



James D. Hawley
Executive Director